APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

No. 369—September Term, 1961.

(Argued June 4, 1962 Decided June 29, 1962.)

Docket No. 27372

UNITED STATES OF AMERICA, *Appellee*,

v.

KALMAN GREENHILL, *Defendant-Appellant*.

Before: LUMBARD, *Chief Judge*, CLARK and WATERMAN, *Circuit Judges*.

Appeal from a judgment of conviction in the United States District Court for the Southern District of New York, Thomas F. Murphy, J., upon a jury verdict, on an indictment charging fraudulent transfers in contemplation of bankruptcy, 18 U.S.C. § 152.

Affirmed.

THOMAS DAY EDWARDS, Assistant United States Attorney (Robert M. Morgenthau, United States Attorney for the Southern District of New York, Andrew T. McEvoy, Jr., Assistant United States Attorney, on the brief), *for appellee*.

JACOB W. FRIEDMAN, New York, N. Y., DUDLEY, YOEDICKE, New Orleans, La., JEROME H. DIAMOND, MARTIN BESEN, and IRVING FISHMAN, New York, N. Y., on the brief *for defendant-appellant*.

EUGENE GRESSMAN, Washington, D. C., JEROME H. DIAMOND, New York, N. Y., on reply brief *for defendant-appellant*.

PER CURIAM:

We summarily affirm the conviction of the appellant Kalman Greenhill for fraudulently transferring property

of the Westco Steel Company in contemplation of a bankruptcy proceeding by said company and with the intent to defeat the bankruptcy law in violation of 18 U.S.C. § 152, as we find no merit in the appellant's contentions.

The trial judge committed no errors in his rulings on evidence and the appellant's requests that an accountant's report be produced. In any event, appellant was not harmed by his lack of the report in question, since apparently it would not have been admissible as evidence, and was based on books which were available to the appellant.

The charge to the jury was fair and accurate and adequately covered all the matters on which the jury required instruction. There was ample evidence to support the verdict.

Affirmed.